

Supreme Court of the State of New York
Appellate Division: Second Judicial Department

D31619
G/kmb

_____AD3d_____

WILLIAM F. MASTRO, J.P.
REINALDO E. RIVERA
MARK C. DILLON
JOSEPH COVELLO, JJ.

1992-04119

DECISION & ORDER

The People, etc., respondent,
v Roberto Rivera, appellant.

(Ind. No. 379/91)

Roberto Rivera, Fallsburg, N.Y., appellant pro se.

Thomas J. Spota, District Attorney, Riverhead, N.Y. (Karla Lato of counsel), for respondent.

Robert C. Mitchell, Riverhead, N.Y. (James H. Miller III of counsel), former appellate counsel.

Application by the appellant for a writ of error coram nobis to vacate, on the ground of ineffective assistance of appellate counsel, a decision and order of this Court dated March 27, 1995 (*People v Rivera*, 213 AD2d 1088), affirming a sentence of the County Court, Suffolk County, imposed June 2, 1992.

ORDERED that the application is denied.

The appellant has failed to establish that he was denied the effective assistance of appellate counsel (*see Jones v Barnes*, 463 US 745; *People v Stultz*, 2 NY3d 277).

MASTRO, J.P., RIVERA, DILLON and COVELLO, JJ., concur.

ENTER:


Matthew G. Kiernan

August 2, 2011

PEOPLE v RIVERA, ROBERTO

Clerk of the Court

August 2, 2011

PEOPLE v RIVERA, ROBERTO